Remarks

Reconsideration of remaining claims 1, 3, 5-15, 17 and 19-27 is respectfully requested.

In the Office action dated July 22, 2004 (application Paper No. not shown), the Examiner objected to the specification (both the Abstract and the Disclosure), and rejected the pending claims under both a nonstatutory double patenting rejection and various statutory rejections under 35 USC §§ 102(a) and 103(a). The Examiner's various objections and rejections will be discussed below in the order appearing in the Office action.

Specification Objections

The Examiner first objected to the Abstract in that it contained more than 150 words. In response, applicants have amended the Abstract, in the manner indicated above, to now contain less than 150 words. Applicants believe that this amended Abstract should now be in compliance with the requirements of MPEP § 608.01(b).

The Examiner also objected to the disclosure, citing a number of grammatical errors. Applicants have reviewed the disclosure, correcting each of the grammatical errors as shown. Applicants believe that with these amendments the specification is now acceptable.

Double Patenting Rejection

All pending claims 1-28 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 27 of US Patent 6,751,591. In response, applicants are submitting a Terminal Disclaimer with this

reply, disclaiming the terminal portion of any patent issued on this application that would extend beyond the expiration date of the '591 patent. Applicants believe that with the submission of this Terminal Disclaimer, the Examiner's rejection has been overcome.

35 USC § 102(a) Rejection – Claims 1-11, 14-24, 27 and 28

The Examiner next rejected the above-cited claims under 35 USC 102(a) as being anticipated by US Patent 6,173,266 (Marx et al.). In response, applicants have amended independent claim 1 to include the limitations of claim 2, and have amended independent claim 15 to include the limitations of claim 16, and assert that the additional step/event of routing the user to a "human" if the first threshold is not exceeded is not anticipated, disclosed or suggested by Marx et al.

In particular, Marx et al. is directed to an "interactive speech application" where an individual calls in to a particular destination, such as a corporate office, and is able to access a company directory to locate a desired called party. That is, in response to a prompt from the system, the calling party may speak the name of the individual and the system will search the directory for the "best match" (referred to as a "hypothesis") based on the utterance. As discussed in the specification of Marx et al., such as beginning at column 9, line 25, the system will "sequentially output[s] prompts for these hypotheses until a hypothesis is confirmed or the list of hypotheses is exhausted". In operation, therefore, a calling party will listen to a first directory name and, if correct, enter a prompt to complete the call. If the directory name is not the person the calling party wants to find, the system of Marx et al. will then play the next hypothesis/best match, and continue until the list of potential matches is exhausted. It is only after the entire list is exhausted that the calling party would be routed to a human for assistance.

In the arrangement of Marx et al., therefore, a significant number of wrong "guesses" may be made before the calling party is helped, leading to frustration on the part of the calling party. In contrast, the method/system of the present invention performs a single determination of the "probability of understanding", compares this probability to a threshold and routes the call directly to a human if the threshold is not met (see claims 1

and 15, as amended). Such is not the case in Marx et al. Remaining claims 3 and 17 go on to define a second embodiment where a "second threshold" is used – but it is not a "sequential" application, as in the case of Marx et al. This second threshold is applied to the same "probability of understanding" to perform yet a "finer" decision regarding the type of "dialog strategy" to apply.

Based on this significant different between Marx et al. and the subject matter of the present invention, applicants assert that Marx et al. cannot be found to anticipate the subject matter of claims 1 and 15, as amended, or remaining dependent claims 3, 5-11, 14, 15, 17, 19-24 and 27. Applicants therefore respectfully request the Examiner to reconsider this rejection and find the remaining claims to be in condition for allowance.

35 USC § 103(a) Rejection – Claims 12, 13, 25, 26

Lastly, the Examiner rejected claims 12, 13, 25 and 26 under 35 USC 103(a) as being unpatentable over Marx et al. (as above), when considered with US Patent 5,748,841 (Morin et al.), where Morin et al. was cited by the Examiner as teaching the utilization of a "dialog history database". Regardless of the teaching of Morin et al., applicants assert that the combination of Morin et al. and Marx et al. still lacks any teaching of comparing an utterance to a "probability of understanding" and routing the user to a human if the probability is below a predetermined threshold. Without this teaching, it is asserted that the combination of Marx et al. and Morin et al. cannot be found to render obvious the above-cited claims.

In summary, applicants have amended the disclosure, abstract and claims to over the Examiner's various objections and rejections. A Terminal Disclaimer is also included with this response. With these changes applicants believe that the case is now in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the

prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

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Date: ~~10/18/04~~ 1/21/05